

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(RICHMOND DIVISION)

UNITED STATES OF AMERICA)

v.)

JUSTIN GLYNN FRENCH,)

Defendant.)

Criminal No. 3:11CR017

IN RE: THIRD PARTY CLAIMS BY:)

LYNN L. TAVENNER, AS CHAPTER 7 TRUSTEE)
OF THE ESTATE OF JUSTIN GLYNN FRENCH, and)

PARAGON COMMERCIAL BANK)

**PARAGON COMMERCIAL BANK'S REPLY
TO THE UNITED STATES OF AMERICA'S
MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT**

Paragon Commercial Bank ("Paragon"), by counsel, files this Reply to the United States of America's Motion to Dismiss and/or for Summary Judgment and states as follows:

1. Paragon Bank filed two petitions pursuant to 21 U.S.C. § 853(n) (the "Petitions"), raising claims to property acquired by the United States from criminal convict Justin Glynn French ("French"), through its powers of forfeiture.

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2. Lynn L. Tavenner, Esquire, interim Trustee for the bankruptcy estate of French, also filed two petitions pursuant to 21 U.S.C. § 853(n) (the “Trustee’s Petitions”), asserting the Trustee’s interest in the forfeited property on behalf of French’s unsecured creditors.

3. In each instance, the United States filed motions to dismiss the Petitions and Trustee’s Petitions, in response to which Paragon Bank and the Trustee filed briefs in opposition.

4. On August 10, 2011, Paragon Bank, the United States, and the Trustee appeared before this Court, by counsel, and oral arguments were heard.

5. At the hearing, the Court denied the motions to dismiss and, pursuant to Rule 12(d) converted the motions to motions for summary judgment and afforded Paragon Bank and the Trustee an opportunity to present the Court with written submissions stating any additional facts and argument in opposition to the dismissal of the Petitions and Trustee’s Petitions.

6. Paragon Bank hereby notifies the Court and the parties that it has elected not to file additional written opposition to the United States’ motions to dismiss its Petitions.

7. Rather, Paragon Bank hereby joins with the Trustee in her additional opposition to the dismissal of the Trustee’s Petitions contained in “Bankruptcy Trustee’s (I) Response to United States’ Motion for Summary Judgment and Request for Additional Guidance from this Court with Respect to her Duties as Trustee,” and requests the Court to grant the relief requested therein.

Dated: August 25, 2011

Respectfully submitted,

PARAGON COMMERCIAL BANK,
By Counsel,

/s/ Andrew Biondi

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CERTIFICATE OF SERVICE

I do hereby certify that on this 25th day of August, 2011, a true and correct copy of the foregoing was filed with the Clerk via the CM/ECF system, which thereby caused the above to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter, and sent via electronic mail to:

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/s/ Andrew Biondi